

CALL TO ORDER

Mayor Mazza opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL - Present: Rob Haynes, Matt Severino, Lisa Nargi, Patricia Dziubek and Frank Mazza. J. Peter Jost, Esq., Township Attorney, John Reymann, P.E., Township Engineer, Grace Brennan, CFO and Ella Malecki Ruta, Township Clerk, were also present.

APPROVAL OF MINUTES

a. Regular Meeting Minutes of September 19, 2007

Motion was made by Mrs. Dziubek, seconded by Mrs. Nargi to adopt said Minutes as amended. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

b. Executive Session #1 Meeting Minutes of September 19, 2007

Motion was made by Mr. Haynes, seconded by Mrs. Nargi to adopt said Minutes. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

c. Executive Session #2 Meeting Minutes of September 19, 2007

Motion was made by Mr. Severino, seconded by Mrs. Nargi to adopt said Minutes. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

VISITORS

a. Mary-Jo Haggerty – permission to close off Wyckoff Dr. at Groom Rd. and Stires Way on October 31, 2007

Mary-Jo Haggerty, resident of Wyckoff Drive, requested the Township temporarily close Wyckoff Drive at Groom Rd. and Stires Way on October 31, 2007 between the hours of 6:00 p.m. and 8:30 p.m. for the safety of the children who would be Trick/Treating.

Attorney Jost requested a Certificate of Insurance. Mr. Haynes said the Road Dept. would provide barricades to keep the streets closed.

Motion was made by Mr. Severino to permit the closing of Wyckoff Dr. at Groom Rd. and Stires Way for the evening of October 31, 2007 from 6 p.m. to 8:30 p.m. subject to provide Certificate of Insurance naming Union Twp. as additional insurer and temporary parking arrangements. Residents would be permitted ingress and egress as directed; Mrs. Dziubek Seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

b. Robert DeChellis – FDRA LLC./Tree removal permit for Grand Colonial

Robert DeChellis, Esq., representing FDRA LLC, came back before the Committee to resolve the issue of after the fact permit to remove trees at the Grand Colonial. He proposed planting 27 trees of 2 ½” to 3 ½” diameter for the nine trees taken down without the permit. Mr. DeChellis said trees would be planted on and of the property. He asked if the offer is acceptable to the Committee.

Township Engineer Reymann recommended 54 trees be planted by Grand Colonial to comply with requirements in the Twp. Tree Ordinance.

Mr. DeChellis argued that according to the ordinance his client meets requirements with proposed 27 trees. Engineer Reymann defended his recommendation stating that cutting much bigger trees without a permit was arbitrary and that he is just following the tree ordinance.

After a brief discussion, the Committee is going to abide by Engineer's recommendation. The Committee had been helpful and accommodating with various requests by the Grand Colonial in the past, Mrs. Nargi said.

Motion was made by Mr. Severino to settle the matter of issuance of the tree permit after the fact as follows: Grand Colonial will plant and install 54 trees 2 ½" to 3 ½" diameter, species to be determined by the Township Planner, and locations specified by the Planning Board after consultation with Environmental Commission. In addition, by the developer has to submit maintenance bond. There will not be a monetary fine. Mrs. Nargi seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

EXECUTIVE SESSION – NOT SCHEDULED ON THE AGENDA Action may be taken following Executive Session

At 7:23 PM the following resolution was introduced for adoption:

**RESOLUTION#2007-142
EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Potential Litigation and Contract Negotiations.

Motion was made by, seconded by Mrs. Dziubek to adopt the above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

At approximately 8:55 PM motion was made by Mr. Severino, seconded by Mrs. Nargi, to return to the regular meeting. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

TAKEN OUT OF AN AGENDA ORDER

a.

D

iscussion – Coastal Outdoor Advertising Group, LLC vs. Township of Union, New Jersey

Attorney Jost announced the lawsuit filed by Coastal Outdoor Advertising Group, LLC against Union Township following denial of sign permit issuance by the Township zoning officer. The Plaintiff is requesting the Township declare local Sign Ordinance unconstitutional and allow erection of two billboards in the height of 95' each in total area of 1000 square feet per side.

Mr. Jost also stated that because of the nature of this lawsuit he has contacted Mr. William D. Brinton of the firm of Rogers Towers in Jacksonville, Florida. Mr. Jost further said Mr. Brinton is one of the leading attorneys in this field and has extensively represented municipalities in numerous states.

Mr. Jost emphasized importance of an immediate response to this litigation. Therefore, he asked Mr. Brinton to prepare a proposal for his services. Mr. Brinton submitted proposal on September 27, 2007 indicating that

he would be willing to represent Union Twp. in this matter at an hourly rate of \$225.00. Mr. Brinton's partner rate would be \$220.00, the associate at \$210.00 and the paralegal at \$110.00 per hour.

Attorney Jost asked if the Committee wants to defend this matter and if so, he recommends Mr. Brinton's firm be retained under conditions specified in his proposal letter of September 27, 2007.

Mrs. Nargi made a motion to retain Mr. Brinton as a special counsel in the Costal Outdoor Advertising Group. LLC v. Union Township litigation, at fees specified in the service proposal. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

Mr. Haynes inquired about validity of existing sign ordinance and of any plans to update it.

Mr. Jost said the current sign ordinance is going to be carefully re-examined and Mr. Brinton is going to advise on any revisions.

Mr. Brinton thanked the Committee for giving him the opportunity to work on this matter. He also expressed his admiration for aesthetic quality and scenic beauty preserved in western New Jersey.

ITEM ADDED TO THE AGENDA

Mayor Mazza brought back an issue of outstanding invoice for services rendered by the Township Planner, Carl Hintz, for Milligan Farm.

Mrs. Dziubek stated for the record that, according to her recollection, there was only a presentation of the initial proposal back in 2006. She went on to say the proposal was never discussed again or decided on. Mrs. Dziubek wants everyone to understand and make it clear that it is not Mr. Hintz's problem and it never was. It is now Union Township's responsibility to resolve this issue, but at the same time she cannot justify paying \$48,000.00 from COAH Housing Funds without proper resolution then, if in fact the money was encumbered in 2006 without a resolution.

After a brief discussion, it was agreed to adopt the following resolution:

**RESOLUTION #2007-143
AMENDMENT TO PROFESSIONAL SERVICES AGREEMENTS
BETWEEN CLARKE CATON HINTZ AND UNION TOWNSHIP
FOR PROFESSIONAL SERVICES**

Whereas, Union Township entered into professional services agreements with Clarke Caton Hintz for the years 2006 and 2007 on March 1, 2006 and March 21, 2007 respectively; and

Whereas, Clarke Caton Hintz was requested to prepare a schematic design in connection with the development of approximately 14 acres in the northeast corner of the Milligan Farm for a COAH low/moderate income housing development in accordance with the Township's Fair Housing Plan; and

Whereas, John Clarke of Clarke Caton Hintz submitted a letter dated April 3, 2006 to Matthew Mulhall of the Union Township Committee containing various proposals for performing work professional services in connection with said COAH development; and

Whereas, Mr. Mulhall indicates that the Township Committee determined that it would elect to authorize only the preparation of a schematic design for the Milligan Farm site for the lump sum fee of \$48,250 as set forth in said letter; however, there is no record of such authorization in the minutes of the Township Committee; and

MINUTES OF REGULAR MEETING October 3, 2007

Whereas, Clarke Caton Hintz has submitted vouchers to be compensated for such work performed, and additional professional services are needed in this regard, and authorization is needed for the above described professional services;

Now, therefore, be it agreed by and between Clarke Caton Hintz and the Township of Union as follows:

1. The reduced scope of work consisting of the preparation of a schematic design only for the Milligan Farm site for a lump sum fee of \$48,250 as set forth in the letter of John Clarke dated April 3, 2006 is hereby approved, authorized and ratified as an amendment to the professional services agreements of Clarke Caton Hintz for 2006 and 2007; and
2. Any additional work beyond the scope of the above amendment must be authorized by the Township Committee prior to undertaking such services; and
3. Clarke Caton Hintz acknowledges that any and all professional services agreements or communications in connection therewith must be submitted to the Township Committee through the office of the Municipal Clerk, with copies to other appropriate Township officials.
4. Except as modified therein, the professional services agreements between Union Township and Clarke Caton Hintz for 2006 and 2007 shall remain in full force and effect.

Mrs. Nargi stated that Mr. Hintz is entitled to compensation for his services. She also said that this situation occurred due to an error by the previous administration and unfortunately, the Committee has to deal with consequences.

Motion was made by Mrs. Nargi, seconded by Mr. Severino to adopt above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mr. Mazza. Nays: Mrs. Dziubek. Motion Carried.

At this time Grace Brennan, CFO left the meeting.

REPORTS RECEIVED – OUT OF AGENDA ORDER

- a. Road Dept.- week ending 8/31/07; 9/07/07
- b. Claims Register – 9/19/07
- c. Tax Collector – September 2007

CORRESPONDENCE

Mr. Severino mentioned the following: he visited a resident complaining about noise coming from the air conditioning unit and advised her that he has contacted school officials. Mr. Severino will get back to her after he has a response from the school; -letter from PSEG requesting blanket approval to access wetlands.

Mayor Mazza mentioned the following: - training session for County and Municipal PARIS Grants Program; Mrs. Dziubek and Clerk should attend.

PUBLIC COMMENTS – NONE**PUBLIC HEARING – 2ND Reading – None at this time****OLD BUSINESS**

- a. **RESOLUTION #2007- :** Amendments to the Resolution #2003-39/Reclamation Plan for Pattenburg Quarry

Twp. Attorney Jost and Twp. Engineer Reymann will work on amendments to the above resolution. It was tabled at this time.

- b. **RESOLUTION #2007-**: 2007-2008 Liquor License Renewal – Pattenburg Entertainment Inc./Pattenburg House

Due to missing documentation from the State to renew the above Liquor Licenses the above resolution was tabled.

NEW BUSINESS

- a. The following resolution was introduced for adoption:

RESOLUTION 2007-144
Re: Excavation Bond Refund
Marcelo & Angelina Dasilva, 27 Wyckoff Drive, Pittstown, NJ 08867
Block 29.01 Lot 14

WHEREAS, Marcelo and Angelina Dasilva, Block 14 Lot 14 did post an excavation bond in the amount of \$500.00, and

WHEREAS, the work and inspection are complete, and

WHEREAS, the construction department has requested that this bond now be released back to Marcelo and Angelina Dasilva

NOW, THEREFORE, BE IT RESOLVED, that the excavation bond of \$500.00 be released to Marcelo and Angelina Dasilva,

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Motion was made by Mr. Haynes, seconded by Mr. Severino to adopt above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mr. Mazza. Nays: Mrs. Dziubek. Motion Carried.

- b. The following resolution was introduced for adoption:

RESOLUTION 2007-145
Re: Excavation Bond Refund
Phil Armstrong, 5 Gephardt Road, Pittstown, NJ 08867
Block 25 lot 2.04

WHEREAS, Phil Armstrong, Block 25 Lot 2.04 did post an excavation bond in the amount of \$500.00, and

WHEREAS, the work and inspection are complete, and

WHEREAS, the construction department has requested that this bond now be released back to Phil Armstrong

NOW, THEREFORE, BE IT RESOLVED, that the excavation bond of \$500.00 be released to Phil Armstrong,

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately

Motion was made by Mr. Haynes, seconded by Mr. Severino to adopt above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mr. Mazza. Nays: Mrs. Dziubek. Motion Carried.

c. The following resolution was introduced for adoption:

RESOLUTION 2007-146
Re: Escrow Account Balance Refund
William Townsend, 4 Stirling Place, Pittstown, NJ 08867
Office Building at 75 Frontage Road, Asbury, NJ 08809

WHEREAS, William Townsend, did post an escrow account for inspection fees;

WHEREAS, the Township Engineer has stated that the work and inspection are complete, and

WHEREAS, William Townsend in a letter dated 8/24/07 did request a refund of the balance;

NOW, THEREFORE, BE IT RESOLVED, that the balance of escrow account 711915 in the amount of \$485.68 be released to William Townsend,

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately

Motion was made by Mr. Severino, seconded by Mrs. Nargi to adopt above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mr. Mazza. Nays: Mrs. Dziubek. Motion Carried.

d. The following resolution was introduced for adoption:

RESOLUTION #2007-147
UNION TOWNSHIP; HUNTERDON COUNTY
REFUND OF TAX SALE PREMIUM

WHEREAS, there exists a premium of taxes for the following tax sale certificate which was redeemed on September 28, 2007:

TAX SALE CERTIFI- CATE #	BLOCK	LOT	QUALI- FIER	NAME	AMOUNT
06-01	1.09	8		Kretschmer, Edward	\$3,000.00*

* To be refunded to Stuart Lasher

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the refund of tax sale premium be returned to the above stated name, and that the Chief Finance Officer of the Township of Union is hereby authorized to issue a check in the stated amount.

Motion was made by Mr. Severino, seconded by Mrs. Nargi to adopt above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mr. Mazza. Nays: Mrs. Dziubek. Motion Carried.

e. **Appointment** of Michelle McBride as a Member to the UT Environmental Commission

Mayor Mazza officially appointed Michelle McBride as a member of UT Environmental Commission.

- f. **Appointment** of Kathleen Corcoran as an Alternate to the UT Environmental Commission.

Mayor Mazza officially appointed Kathleen Corcoran as an Alternate Member to the UT Environmental Commission.

NEW ORDINANCE – 1ST Reading - NONE
REPORTS

- a. **Engineer's Report** – Mr. Reymann mentioned the following: - meeting tomorrow with Bill Burr from Maser Consulting regarding Grand Colonial; - complaint about constantly running sump pump at 7 Stonebridge Rd.; visited the site and resolved the issue; - in contact with Mr. Caccavelli regarding problems at the Perryville Estates Development.

- b. **Attorney's Report** – Mr. Jost mentioned the following: - letter from the NJ DEP approving the site for Vincent DeFazio 9/11 memorial at the Finn Road Park.

c. **Committee Report**

- Mrs. Nargi mentioned the following: - residents from Lookout Pointe came to the last Pl. Bd. Mtg. inquiring about approval for driveway modifications; would like for all Township officials involved in the process to follow checklist for the procedure. Driveway permit has to be issued first before any application is submitted before the Board of Adjustment; also would like for Mr. Reymann to contact Mr. Roseberry at Maser Consulting about this issue.
- Mrs. Dziubek mentioned the following: - thanked Mr. Nargi, Chairman of UTEC for working diligently on moving forward issues regarding Milligan Farm; meeting is scheduled for October 17th to go over all concerns related to Milligan Farm; - tried contacting new representative managing Township's website with no response as of yet.

d. **Clerk's Report**

- R
affle License Application #2007-22; #2007-23; #2007-24 – Interfaith Hospitality Network of Hunterdon County, Inc.

Motion was made by Mrs. Dziubek, seconded by Mr. Haynes to adopt above mentioned raffle licenses. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mr. Mazza. Nays: Mrs. Dziubek. Motion Carried.

- R
affle License Application #2007-25; #2007-26; #2007-27; #2007-28 – Alexandria Twp. PTA

Motion was made by Mrs. Dziubek, seconded by Mr. Haynes to adopt above mentioned raffle licenses. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mr. Mazza. Nays: Mrs. Dziubek. Motion Carried.

PUBLIC COMMENTS

Sue Sharpe, reporter from the Hunterdon County Democrat asked about Water Authority and possible monetary help for Milligan Farm. Mrs. Dziubek responded the meeting on October 17th will address all those issues.

She also inquired about lawsuit filed by the Coastal Outdoor Advertising Group, LLC. Attorney Jost suggested contacting Mr. Brinton, newly appointed special counsel, to find out more information.

PAYMENT OF THE BILLS – Mrs. Nargi moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mr. Severino seconded. Vote – Ayes: Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Abstain: Mr. Haynes. Motion carried.

EXECUTIVE SESSION - Action may be taken following Executive Session

At 9:52 PM the following resolution was introduced for adoption:

**RESOLUTION#2007-148
EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Personnel.

Motion was made by Mr. Severino, seconded by Mrs. Dziubek to adopt the above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

At approximately 10:06 PM motion was made by Mr. Severino, seconded by Mrs. Nargi, to return to the regular meeting. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, a motion to adjourn was made by Mrs. Nargi, seconded by Mr. Severino. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

Meeting adjourned at approximately 10:06 PM

Respectfully submitted,

Ella Malecki Ruta, RMC
Municipal Clerk